

**UNITED STATES DISTRICT COURT**  
**Northern District of California**

Foster,

07-05445 WHA

Plaintiff(s),

**NOTICE RE: NONCOMPLIANCE  
WITH COURT ORDER**

v.

Edmonds,

Defendant(s).

The parties have failed to file an ADR Certification and either a Stipulation and [Proposed] Order Selecting an ADR Process or a Notice of Need for ADR Phone Conference as required by the Initial Case Management Scheduling Order. Counsel shall Meet and Confer forthwith in an attempt to agree on an ADR process for this matter. Thereafter, counsel, on behalf of themselves and each party, promptly shall file an **ADR Certification** and either 1) a **Stipulation and [Proposed] Order Selecting ADR Process**, or 2) a **Notice of Need for ADR Phone Conference** (Civil L.R. 16-8(b), ADR L. R. 3-5(b) Civil L.R. 16-8(c), ADR L. R. 3-5(c), (d)). (These forms are available at [www.adr.cand.uscourts.gov](http://www.adr.cand.uscourts.gov).)

Further, in accordance with ADR L.R. 3-5(e) counsel shall concurrently provide a copy of all documents filed pursuant to this notice directly to the ADR Unit either by fax (415-522-4112), hand delivery (ADR Program, USDC, Northern District of California,

450 Golden Gate Avenue, 16<sup>th</sup> Floor, San Francisco, California), or by PDF attachment  
to an e-mail directed to [adr@cand.uscourts.gov](mailto:adr@cand.uscourts.gov).

It is the responsibility of counsel to schedule an ADR Phone Conference, if  
required, to occur before the Case Management Conference.

Dated: May 16, 2008

RICHARD W. WIEKING

Clerk

by: Timothy J. Smagacz



ADR Administrative Assistant

415-522-4205

[Tim\\_Smagacz@cand.uscourts.gov](mailto:Tim_Smagacz@cand.uscourts.gov)

## PROOF OF SERVICE

Case Name: Foster v. Edmonds

Case Number: 07-05445 WHA

I declare that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California. I am over the age of eighteen (18) years and not a party to the action. My business address is:

ADR Program  
United States District Court  
Northern District of California  
450 Golden Gate Avenue Floor 16  
San Francisco, CA 94102

On May 16, 2008, I served a true and correct copy of:

### **Notice Re: Noncompliance With Court Order**

[X] electronically, I caused said documents to be transmitted using ECF as specified by General Order No. 45 to the following parties:

Russell Alan Robinson  
Law Office of Russell A. Robinson, APC  
345 Grove Street, First Floor  
San Francisco, CA 94102  
rarcases@yahoo.com

Norman L. Chong  
Tarkington, O'Neill, Barrack & Chong  
601 Van Ness Avenue, Suite 2018  
San Francisco, CA 94102  
nchong@to2law.com

Stephen F. O'Neill  
Tarkington O'Neill Barrack & Chong  
100 Stony Point Road, Suite 270  
Santa Rosa, CA 95401  
oneill@to2law.com

Jose Anthony Montalvo  
Cesari Werner and Moriarty  
360 Post Street, Fifth Floor

San Francisco, CA 94108-4908  
jmontalvo@cwmlaw.com

Dennis F. Moriarty  
Cesari Werner and Moriarty  
360 Post Street  
5th Floor  
San Francisco, CA 94108-4908

John Robert Whitefleet  
Porter Scott Weiberg & Delehant  
350 University Avenue, Suite 200  
Sacramento, CA 95825  
jwhitefleet@porterscott.com

Dirk Donald Larsen  
Low Ball & Lynch  
505 Montgomery Street  
7th Floor  
San Francisco, CA 94111-2584  
DLarsen@lowball.com

Mark F. Hazelwood  
Low, Ball & Lynch  
505 Montgomery Street, 7th Floor  
San Francisco, CA 94111-2584  
mhazelwood@lowball.com

[ ] by Facsimile, I caused said documents to be transmitted to the following parties by fax machine:

[ ] by U. S. Mail, I placed a true copy in a sealed envelope with postage fully prepaid in the United States Post Office Mail Box in San Francisco, California, addressed as follows:

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on May 16, 2008 in San Francisco, California.

RICHARD W. WIEKING

Clerk

by: Timothy J. Smagacz

A handwritten signature in black ink, reading "Timothy Smagacz". The signature is written in a cursive style with a horizontal line underneath the name.

ADR Administrative Assistant

415-522-4205

Tim\_Smagacz@cand.uscourts.gov